

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

CDx Diagnostics, Inc.,)	CASE NO. 7:13-cv-5669-NSR
)	
Plaintiff,)	
)	JUDGE NELSON STEPHEN ROMÁN
v.)	
)	
U.S. Endoscopy Group, Inc. et al.,)	
)	
Defendants.)	

**JOINT STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE STAY OF
PROCEEDINGS PENDING APPELLATE REVIEW OF DECISIONS ISSUED IN *INTER*
PARTES REVIEW**

WHEREAS, the above-captioned action was stayed pursuant to this Court's October 8, 2014 Order (D.I. 29) pending decisions of the Patent Office Trial and Appeal Board ("PTAB") in respective *inter partes* review ("IPR") proceedings filed by Defendant, US Endoscopy Group, directed to the three patents-in-suit;

WHEREAS, on September 14, 2015, the PTAB issued its decision for the IPR of U.S. Patent No. 7,004,913 holding Claims 1-3 unpatentable;

WHEREAS, on September 14, 2015, the PTAB issued its decision for the IPR of U.S. Patent No. 6,676,609 holding Claims 1-3 unpatentable;

WHEREAS, on October 15, 2015 the PTAB issued its decision for the IPR of U.S. Patent No. 6,258,044 holding Claims 1-17, 19-20, 23-28, 32 and 35-39 unpatentable;

WHEREAS, Plaintiff CDx has appealed each of the above-mentioned PTAB decisions to the Court of Appeals for the Federal Circuit; and

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WHEREAS, the Parties believe that it would be in the interests of conserving the resources of the parties and the Court to continue the stay pending final decision by the Court of Appeals for the Federal Circuit.

IT IS HEREBY STIPULATED AND AGREED by and between the Parties by their respective counsel as follows:

1. The above-captioned proceeding shall remain stayed until such time as the Parties inform the Court of the last decision of the United States Court of Appeals for the Federal Circuit in any appellate proceeding on the decisions of the PTAB involving any of the patents-in-suit.
2. The Parties will promptly inform the Court of the last such decision of the Court of Appeals for the Federal Circuit.

Respectfully submitted,


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Attorneys for Plaintiff CDx Diagnostics

Dated: December 10, 2015

Respectfully submitted,


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*Attorneys for Defendant U.S. U.S. Endoscopy
Group, Inc.*

Dated: Dec. 11, 2015
White Plains, NY 2

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE